

THE PAPERWORK REDUCTION ACT (PRA) AND GRANTS

What Forms Can You Require Without Getting PRA Clearance?

You can only require the submissions of the following forms with an application without having obtained additional PRA clearance from OMB: the SF-424, Facesheet; the SF-424A, Budget Information (Non-Construction); the SF-424B, Standard Assurances (Non-Construction); the SF-424C, Budget Information (Construction); the SF-424D, Standard Assurances (Construction); the SF-LLL, Disclosure of Lobbying Activities, and the CD-511 and CD-512 certification forms. All of these forms already have OMB clearance, which is why additional clearance is not needed, except for the CD forms, which as certifications are not subject to the PRA. You cannot substitute your own versions of these forms without OMB approval, even if the information contained is essentially the same, except that you can specify how and whether budgets should be shown by functions or activities within the program or project.

You should plan on referring the reader of a solicitation to an Internet site where they can print copies of any forms needed for their application or reporting. A PDF (Portable Document Format) version, for instance, allows people to easily print an exact copy of the form with any printer. Copies in Word or WordPerfect are discouraged because their sensitivity to different printers usually affects the formats as seen by the individual user. Copies of the Standard Forms related to applications can be found at <http://www.whitehouse.gov/omb/grants/#forms> . You can refer readers to that site. Any forms of your own must be placed on some Home Page for your organization.

What Can You Require in Grant Applications Without Getting PRA Clearance? **Can You Require or Encourage Pre-Applications?**

There are certain standard application requirements that you can include in a solicitation without obtaining OMB approval. These are outlined in OMB Circular A-102 and detailed at the end of this guidance. Although this circular technically only applies to grants and cooperative agreements with state and local governments, for PRA purposes its guidance is applied to all grants. The trickiest situations arise when a solicitation takes a requirement from that circular but expands it in some way. You can avoid delays in the publication of your solicitation if you consult with the NOAA Clearance Officer in advance (see the main NOAA PRA Home Page for name and phone number). If you develop completely new requirements, you need to get OMB clearance, and that process can be expected to take from four to five months.

As for pre-applications, OMB says that you should use pre-applications for all construction, land acquisition, and land development projects or programs when the need for Federal Funding exceeds \$100,000, unless you determine that it really isn't needed. In other types of projects and programs the accepted approach is that if a pre-application only consists of a sub-set of the information that would have to be submitted as part of a full application anyway, and therefore

does not add any real additional burden to the process, then OMB approval is not needed. Any requirements not part of the regular application process need OMB clearance.

Do You Need PRA Clearance for Information Collections Conducted by Grantees?

Do you need PRA clearance if a grantee conducts an information collection that would fall under the PRA if it was conducted by the government? It depends. If an agency directly solicits applications to conduct an information collection, or requires a grantee to submit any survey to NOAA for prior approval, then PRA clearance is necessary. Clearance is not needed if grantees decide on their own to conduct an information collection in order to achieve generally-worded goals.

How Many Copies of Applications Can You Require?

You can only require the applicant to submit an original and two copies unless you have received PRA approval from OMB for more. You can note that for ease of review that applicants may want to submit additional copies of color or other difficult-to-copy materials, but you cannot require that without specific OMB PRA approval.

How Do You Address the PRA in Grant Solicitations?

Since all solicitations for grant applications contain information requirements subject to the PRA, all solicitations must address the PRA. At a minimum, you need to state the following:

"This notice contains collection-of-information requirements subject to the Paperwork Reduction Act. The use of Standard Forms 424, 424A, 424B, 424C, 424 D, and SF-LLL has been approved by OMB under the respective control numbers 0348-0043, 0348-0044, 0348-0040, 0348-0041, 0348-0042, and 0348-0046. Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the Paperwork Reduction Act, unless that collection displays a currently valid OMB control number."

If you do not require some of the forms shown, you should delete the respective OMB control number. If you have additional NOAA-specific requirements that have received OMB approval, those requirements and the relevant OMB approval number must be cited in a similar fashion, but you also then need to cite the estimated response time(s) and to solicit comments. The format for the information to be added to that above is:

"Public reporting burden for this collection of information is estimated to average (fill in) hours (or minutes) per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to (name and address of sponsoring office)."

What Reports Can be Required from Grantees Without Additional PRA Clearance?

Any of the Standard Forms for post-award management can be required without PRA action. Currently these are: the SF-269, Financial Status Report Form-Long Form; the SF-269A, Financial Status Report-Short Form; the SF-270, Request for Advance or Reimbursement; the SF-271, Outlay Report and Request for Reimbursement for Construction Projects; and the SF-272, Report of Federal Cash Transactions. As for performance reports, you cannot require them more often than quarterly or less frequently than annually. A final technical or performance report can be, but does not have to be, required after the completion of the project. The reports can require the following without additional PRA approval:

- A comparison of actual accomplishments with the goals and objectives established for the period, the findings of the investigator, or both. Whenever appropriate and the output of programs or projects can be readily quantified, such quantitative data should be related to cost data for computation of cost units.
- Reasons why established goals were not met, if appropriate.
- Other pertinent information including, when appropriate, analysis and explanation of cost overruns of high unit costs.

You can only require an original and two copies of reports unless you have obtained PRA approval from OMB for more. Any additional reporting requirements require OMB approval.

OMB Circular A-102 Program Narrative Requirements

The following is guidance taken from OMB Circular A-102 on what can be required in a program narrative statement portion of an application. You may include these in your solicitation without obtaining any OMB clearance. You do not have to use them word-for-word, but can adapt them to the subject of your solicitation as long as you are requesting the same type of information.

- (a) Objectives and need for assistance. Pinpoint any relevant physical, economic, social, financial, institutional, or other problems requiring a solution. Demonstrate the need for the assistance and state the principal and subordinate objectives of the project. Supporting documentation or other testimonies from concerned interests other than the applicant may be used. Any relevant data based on planning studies should be included or footnoted.
- (b) Results or Benefits Expected. Identify costs and benefits to be derived. For example, show how the facility will be used. For land acquisition or development projects, explain how the project will benefit the public.
- (c) Approach. Outline a plan of action pertaining to the scope and detail how the proposed work will be accomplished for each assistance program. Cite factors which might accelerate or

decelerate the work and reasons for taking this approach as opposed to others. Describe any unusual features of the project, such as design or technological innovations, reductions in cost or time, or extraordinary social and community involvement. Provide for each assistance program quantitative projections of the accomplishments to be achieved, if possible. When accomplishments cannot be quantified, list the activities in chronological order to show the schedule of accomplishments and target expected completion dates. Identify the kinds of data to be collected and maintained, and discuss the criteria to be used to evaluate the results and success of the project. Explain the methodology that will be used to determine if the needs identified and discussed are being met and if the results and benefits identified are being achieved. List each organization, cooperator, consultant, or other key individuals who will work on the project along with a short description of the nature of their effort or contribution.

(d) Geographic location. Give a precise location of the project and area to be served by the proposed project. Maps or other graphic aids may be attached.

(e) If applicable, provide the following information: for research and demonstration assistance requests, present a biographical sketch of the program director with the following information: name, address, telephone number, background, and other qualifying experience for the project. Also, list the name, training and background for other key personnel engaged in the project. Describe the relationship between this project and other work planned, anticipated, or underway under Federal assistance. Explain the reason for all requests for supplemental assistance and justify the need for additional funding. Discuss accomplishments to date and list in chronological order a schedule of accomplishments, progress or milestones anticipated with the new funding request. If there have been significant changes in the project objectives, location, approach or time delays, explain and justify. For other requests for changes, or amendments, explain the reason for the change(s). If the scope or objectives have changed or an extension of time is necessary, explain the circumstances and justify. If the total budget has been exceeded or if the individual budget items have changes more than the prescribed limits, explain and justify the change and its effect on the project.

Certifications

The issue of the relationship of the PRA to certification requirements is a bit complex. At one time all certifications were exempt from the PRA, but OMB found that in some cases agencies were using certification processes that required the respondent to do a lot of data collection in order to be able to certify something, and that in fact the process was a substitute for a government information collection. Such certifications now require OMB approval.

A certification does NOT need PRA clearance if the person submitting it would just have to provide self-identification (name and address), the date, and check something that indicates the matter being certified, and that the person could certify the condition involved without having to do any research or data collection. So the person has to be able to just read the form and complete it without any additional effort.